



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

TM:AL/AH
F.#2011R00006

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 7, 2012

By Hand Delivery and ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Neil Messina
Criminal Docket No. 11-31 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter regarding the above-captioned case, in which jury selection is currently scheduled for September 24, 2012, and trial is scheduled to begin on October 1, 2012. The government respectfully requests a brief adjournment of the time to file certain pre-trial materials. Specifically, the government requests that the Court permit it to file the items listed under No. 5 of the Court's Criminal Pretrial Scheduling Order, which includes a statement of the case, list of exhibits, list of witnesses, proposed jury instructions, and other items, by August 24, 2012, one month prior to the start of jury selection. See Docket Entry No. 165.

This requested relief will avoid the need to burden the Court and waste judicial resources with submissions that will become moot upon the return of a superseding indictment. As the Court is aware, the government intended to present a superseding indictment in this case to the grand jury this week, but delayed such presentation after consultation with Gerald J. McMahon,

Esq., counsel to the defendant, and a determination that such delay was in the interests of justice.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: /s/
Allon Lifshitz
Amanda Hector
Assistant U.S. Attorneys
(718) 254-6164/6212

cc: Gerald J. McMahon, Esq. (by ECF)
Clerk of the Court (KAM) (by ECF)